

Regular Session, 2009

HOUSE BILL NO. 421

BY REPRESENTATIVE DOERGE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT/ASSESSORS: Relative to the Louisiana Assessors' Retirement Fund, removes the cap on the amount of revenue sharing dollars that the system may demand in satisfaction of certain required tax remittances due the system by a parish, city, or other governmental entity

1 AN ACT

2 To amend and reenact R.S. 11:1481(1)(a)(iii)(aa), relative to the Louisiana Assessors'
3 Retirement Fund; to provide relative to required remittances due the fund; to provide
4 relative to collection procedures for such required remittances; to provide an
5 effective date; and to provide for related matters.

6 Notice of intention to introduce this Act has been published
7 as provided by Article X, Section 29(C) of the Constitution
8 of Louisiana.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 11:1481(1)(a)(iii)(aa) is hereby amended and reenacted to read as
11 follows:

12 §1481. Financing of fund; deductions; deficiencies and surpluses; remedies

13 The fund shall be financed as set forth hereunder:

14 (1)(a)

15 * * *

16 (iii)(aa) In addition to the payment required pursuant to Item (i) of this
17 Subparagraph, each sheriff and ex officio tax collector for the state of Louisiana,
18 other official responsible for tax collection, or any other person performing such
19 duties for any person, parish, city, or governmental entity certified by the board as

1 having failed to remit all monies required by this Section, shall remit to the
2 Assessors' Retirement Fund an amount ~~to be determined by the board not to exceed~~
3 ~~fifteen percent~~ of revenue sharing monies otherwise due to the delinquent person,
4 parish, city, or other governmental entity ~~over and above the portion being remitted~~
5 ~~to the fund by that person, parish, city, or governmental entity on July 1, 2004, which~~
6 amount shall be determined by the board. The remittance pursuant to this Item shall
7 be paid until the amount of the certified shortfall, including interest and any
8 professional fees incurred through attempts at collection, has been satisfied;
9 however, the board has the authority to negotiate a lesser amount to be paid in
10 satisfaction of this debt. The board shall notify the sheriff and ex officio tax
11 collector for the state of Louisiana, other official responsible for tax collection, or
12 any other person performing such duties by November first that said remittance shall
13 be due for the upcoming year.

14 * * *

15 Section 2. This Act is declared to be remedial, curative, and procedural and therefore
16 is to be applied retroactively as well as prospectively.

17 Section 3. This Act shall become effective on July 1, 2009; if vetoed by the governor
18 and subsequently approved by the legislature, this Act shall become effective on July 1,
19 2009, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Doerge

HB No. 421

Abstract: Relative to the La. Assessors' Retirement Fund (LARF), removes the 15% cap on certain revenue sharing funds that the board of trustees of such fund can collect in the event of a shortfall of required remittances of certain tax revenues.

Present law provides generally for the funding of the La. Assessors' Retirement Fund (LARF). Present law (R.S. 11:1481(1)(a)(i)) specifically authorizes and requires each official responsible for tax collection in any given parish (and the city of New Orleans) to remit 1/4 of 1% of the taxes shown to be collectible by the tax rolls to LARF. Present law (R.S. 11:1481(1)(a)(iii)(aa) and (bb)) further provides that if a particular tax collector is delinquent in remitting the required amounts, the LARF board of trustees may seek from the

state treasurer revenue sharing funds otherwise due the delinquent entity in an amount not to exceed 15% over and above the amount that such entity was remitting on July 1, 2004.

Proposed law retains present law but eliminates the cap on amounts of revenue sharing funds the board may seek if an entity is delinquent in remitting the required percentage of taxes to LARF.

Provides that the provisions of proposed law are remedial, curative, and procedural and are to be applied retroactively as well as prospectively.

Effective July 1, 2009.

(Amends R.S. 11:1481(1)(a)(iii)(aa))